

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/3/10 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/6/10 concerning claims 1-3, 5, 6, 15 and 16 have been fully considered but they are not persuasive.

The Applicant argues on pages 7 and 8 of the response in essence that: The combination of Misawa '382 and Kim '937 would have taught adding white data for all image data when white data is needed regardless of how the image data is to be transmitted.

a. Kim '937 discloses facsimile transmission but is silent in regards to electronic mail transmission. Because Kim '937 teaches adding white pixels for only facsimile transmission (to compensate for the difference between the original image size and the transmission or paper size), the reference does not have to expressly state that this process would not be applied to an electronic mail transmission, or any other transmission method. White pixel data is not

Art Unit: 2625

commonly added to electronic mail data because electronic mail data is not regularly formatted to a paper size and printed like the case of facsimile data (i.e. a facsimile is stored as a set number of pages whereas an email is stored according to data size). Therefore, the combination of Misawa '382 and Kim '937 teaches adding white pixel data to an image for facsimile transmission but not adding white pixel data for electronic mail transmission.

Claim Objections

3. Claims 19 and 20 are objected to because of the following informalities: Claim 19, lines 16 and 17 should be changed to “transmission, wherein changing converting the resolution of the image to the resolution suitable for transmission changing converts the size of the image while maintaining a same aspect ratio;“. Claim 20 contains similar language. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa Patent 6,771,382 in view of Kim Patent 6,268,937.

Art Unit: 2625

Referring to **claims 1, 15, and 16**, Misawa '382 discloses an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising:

an inputter configured to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35);

a processor configured to convert the image data input by said inputter with no white data added to the image data input by said inputter (col. 5, lines 7-10, read image data is compressed and stored in RAM 13)

a first producer configured to produce data for transmission by facsimile based on the image data input by said inputter (facsimile unit 80 of Fig. 1, col. 3, lines 19-35);

a second producer configured to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35);

a selector configured to select a facsimile transmission or an electronic mail transmission based on an instruction by a user (S01 of Fig. 3, col. 4, lines 45-51, electronic mail transmission unit or facsimile transmission unit is selected); and

a controller configured to control said first and second producers, and said processor depending on selection by said selector (CPU 11 of Fig. 1, col. 3, lines 19-35),

wherein said controller controls said first producer to produce the data based on the image data to which the white data is added by said processor in a case where said

Art Unit: 2625

selector selects the facsimile transmission (S58 and S82 of Fig. 6, col. 6, lines 34-36, 59-62), and

wherein said controller controls said processor to convert the image data input by said inputter with no white data added and said second producer to produce the data based on the image data to which no white data is added by said processor in a case where said selector selects the electronic mail transmission (S62 and S78 of Fig. 6, col. 6, lines 36-39, 42-46).

Misawa '382 does not disclose expressly altering the size of the image to a predetermined image size if the image is to be sent by facsimile.

Kim '937 discloses a processor configured to convert the image data input by an inputter with white data added to the image data input by said inputter, adding white data changing the size of the image to a standardized size according to facsimile standards (col. 3, lines 58-63, in order to compensate for the difference between the transmission size and the original document size, white pixels are added);

a controller configured to control said said processor in a case where the image represented by the image data is a photographic size (col. 3, lines 58-63, in order to compensate for the difference between the transmission size and the original document size, white pixels are added if the image is a non-standard document smaller than an A4 sheet [i.e. photographic size]); and

wherein said controller controls said processor to convert the image data input by said inputter with the white data added and said first producer to produce the data based on the image data to which the white data is added by said processor in a case

Art Unit: 2625

of facsimile transmission (col. 3, lines 58-63, in order to compensate for the difference between the transmission size and the original document size, white pixels are added)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined image size when the image is sent via facsimile. The motivation for doing so would have been compensate for the difference between the original image size and the transmission or paper size. Further, there would be no reason to add white pixel data to electronic mail data as electronic mail data is not regularly formatted to a paper size and printed like the case of facsimile data (i.e. a facsimile is stored as a set number of pages whereas an email is stored according to data size). Therefore, it would have been obvious to combine Kim '937 with Misawa '382 to obtain the invention as specified in claim 1.

Referring to **claim 2**, Misawa '382 discloses wherein said inputter inputs the image data from a reader which reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to **claim 3**, Misawa '382 discloses wherein said inputter inputs the image data from a detachable memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa '382 discloses that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to **claim 6**, Misawa '382 discloses wherein said controller restricts operations of said first and second producers according to a predetermined condition (S56 of Fig. 6, col. 6, lines 13-17).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa Patent 6,771,382 and Kim Patent 6,268,937 as applied to claim 1 above, and further in view of Morigami Patent 6,057,934.

Referring to **claim 5**, Misawa '382 discloses wherein said controller controls said first producer and said second producer but does not disclose expressly using different gamma values for producing the data.

Morigami '934 discloses different gamma values in producing data for facsimile and monitors (col. 9, lines 59-67, typical gamma coefficient is 0.45 for CRT and 0.65-0.8 for a facsimile machine).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to produce an image for facsimile transmission with a different gamma value than producing an image for email. The motivation for doing so would have been to utilize typical gamma values in producing the images to obtain accurate images. Therefore, it would have been obvious to combine Morigami '934 with Misawa '382 and Kim '937 to obtain the invention as specified in claim 5.

Art Unit: 2625

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa Patent 6,771,382 in view of Kim Patent 6,268,937 and Kagami Patent 5,305,116.

Referring to **claims 19 and 20**, Misawa '382 discloses an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising:

an inputter configured to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35);

a processor configured to convert the image data input by said inputter with no white data added to the image data input by said inputter (col. 5, lines 7-10, read image data is compressed and stored in RAM 13)

a first producer configured to produce data for transmission by facsimile based on the image data input by said inputter (facsimile unit 80 of Fig. 1, col. 3, lines 19-35);

a second producer configured to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35);

a selector configured to select a facsimile transmission or an electronic mail transmission based on an instruction by a user (S01 of Fig. 3, col. 4, lines 45-51, electronic mail transmission unit or facsimile transmission unit is selected); and

a controller configured to control said first and second producers, and said processor depending on selection by said selector (CPU 11 of Fig. 1, col. 3, lines 19-35),

wherein said controller controls said first producer to produce the data based on the image data to which the white data is added by said processor in a case where said selector selects the facsimile transmission (S58 and S82 of Fig. 6, col. 6, lines 34-36, 59-62), and

wherein said controller controls said processor to convert the image data input by said inputter with no white data added and said second producer to produce the data based on the image data to which no white data is added by said processor in a case where said selector selects the electronic mail transmission (S62 and S78 of Fig. 6, col. 6, lines 36-39, 42-46).

Misawa '382 does not disclose expressly altering the size of the image to a predetermined image size if the image is to be sent by facsimile.

Kim '937 discloses a processor configured to convert the image data input by an inputter with white data added to the image data input by said inputter, adding white data changing the size of the image to a standardized size according to facsimile standards (col. 3, lines 58-63, in order to compensate for the difference between the transmission size and the original document size, white pixels are added);

a controller configured to control said said processor in a case where the image represented by the image data is a photographic size (col. 3, lines 58-63, in order to compensate for the difference between the transmission size and the original document size, white pixels are added if the image is a non-standard document smaller than an A4 sheet [i.e. photographic size]); and

wherein said controller controls said processor to convert the image data input by said inputter with the white data added and said first producer to produce the data based on the image data to which the white data is added by said processor in a case of facsimile transmission (col. 3, lines 58-63, in order to compensate for the difference between the transmission size and the original document size, white pixels are added)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined image size when the image is sent via facsimile. The motivation for doing so would have been compensate for the difference between the original image size and the transmission or paper size. Further, there would be no reason to add white pixel data to electronic mail data as electronic mail data is not regularly formatted to a paper size and printed like the case of facsimile data (i.e. a facsimile is stored as a set number of pages whereas an email is stored according to data size).

Misawa '382 does not disclose expressly does not disclose expressly converting a resolution of the image data to a resolution suitable for facsimile.

Kagami '116 discloses a resolution converting section configured to convert a resolution of the image represented by the image data input by said inputter to a resolution suitable for the facsimile transmission, changing the resolution of the image to the resolution suitable for transmission changing the size of the image while maintaining a same aspect ratio (col. 3-4, lines 65-68, 1-28, an image is adjusted to an appropriate transmittal resolution determined to meet the requirements of the receiving facilities).

Art Unit: 2625

At the time of the invention, it would have obvious to a person of ordinary skill in the art to convert the resolution of a facsimile. The motivation for doing so would have been to avoid omitting facsimile data that must be converted to a different resolution for the receiving facilities. Therefore, it would have been obvious to combine Kim '937 and Kagami '116 with Misawa '382 to obtain the invention as specified in claims 19 and 20.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/016,682
Art Unit: 2625

Page 12

/Peter K. Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625